

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address HELEN RYAN FRAZER 92627 ATKINSON ANDELSON LOYA RUUD & ROMO 12800 CENTER COURT DRIVE, SUITE 300 CERRITOS, CA 90703 hfrazier@aallrr.com (562) 653-3200 COUNSEL TO CHAPTER 7 TRUSTEE <i>Attorney for Plaintiff</i>		FOR COURT USE ONLY	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION			
In re: ALETHIA ANN MITCHELL		CASE NO.: 6:12-BK-34633 MW CHAPTER: 7	
Debtor(s).		ADVERSARY NUMBER: <i>6:13-ap-01274-MW</i>	
LARRY D. SIMONS, CHAPTER 7 TRUSTEE Versus ALETHIA ANN MITCHELL Defendant(s)		SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]	

TO THE DEFENDANT: A Complaint has been filed by the Plaintiff against you. If you wish to defend against the Complaint, you must file with the court a written pleading in response to the Complaint. You must also serve a copy of your written response on the party shown in the upper left-hand corner of this page. The deadline to file and serve a written response is 8-23-13. If you do not timely file and serve the response, the court may enter a judgment by default against you for the relief demanded in the Complaint.

A status conference in the adversary proceeding commenced by the Complaint has been set for:

Hearing Date: <u>10-10-13</u> Time: <u>9:00 A.M.</u> Courtroom: <u>225</u>	Place: <input type="checkbox"/> 255 East Temple Street, Los Angeles, CA 90012 <input checked="" type="checkbox"/> 3420 Twelfth Street, Riverside, CA 92501 <input type="checkbox"/> 411 West Fourth Street, Santa Ana, CA 92701 <input type="checkbox"/> 1415 State Street, Santa Barbara, CA 93101 <input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills, CA 91367
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
12800 CENTER COURT DRIVE, SUITE 300, CERRITOS, CA 90703

A true and correct copy of the foregoing document entitled: **SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

JESUS E. ROVIRA OTERO 11617 LOW CHAPARRAL DRIVE, VICTORVILLE, CA 92392

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served)**: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK

KATHLEEN J. CAMPBELL
Executive Officer
Clerk of Court

ADDITIONAL INSTRUCTIONS FOR PLAINTIFF/PLAINTIFF'S ATTORNEY

You are required to serve and complete both of the attached "NOTICE TO DEFENDANTS" (English and the Spanish Version), to all defendants along with your summons. Your proof of service should indicate that the notices were served, as well as the other documents.

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

IN RE:

CASE NO:

ADVERSARY NO.

Debtor(s)

Plaintiff(s)

Vs.

Defendant(s)

NOTICE TO DEFENDANTS

You have been served with a summons and Complaint. If the plaintiff is successful, you could end up owing money to the plaintiff.

You have the right to proceed in this adversary proceeding without an attorney. However, the rules can be quite technical and you should consult an attorney. If you are unable to afford an attorney, please call for an appointment:

Public Services Law Corporation
4129 Main Street, Suite 101
Riverside, CA 92501
(951) 682-7968

You will be screened for financial eligibility and if it is determined eligible, an attorney may be found who will represent you without payment of attorney's fees.

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

IN RE:

CASE NO:

ADVERSARY NO.

Debtor(s)

Plaintiff(s)

Vs.

Defendant(s)

AVISO AL DEMANDADO(S)

A usted se le ha entregado una citacion judicial y una demanda. Si el demandante gana en su demanda, usted puede deberle dinero al demandante.

Usted tiene el derecho de proceder sin un Abogado, pero los requisitos legales son tecnicos y usted debe consultar un Abogado, Si usted no tiene recursos para emplear un Abogado, por favor llame para una cita gratis a:

Public Services Law Corporation
4129 Main Street, Suite 101
Riverside, CA 92501
(951) 682-7968

Usted sera determinado para elegibilidad financiera y si es determinado que usted es elegible, un Abogado quizas le representara de gratis.

UNITED STATES BANKRUPTCY COURT

Early meeting of Counsel and Status Conference Instructions

1. **Service of Order.** A copy of this Order re: Rule 26(f) Meeting, Initial Disclosures, and Scheduling Conference must be served with the Summons and Complaint. The Proof of Service of the Summons and Complaint must indicate that a copy of this Order was served therewith.
2. **Local Bankruptcy Rule 7026-1.** Compliance with Local Bankruptcy Rule 7026-1 ("LBR 7029-1") is required in ALL adversary proceedings
3. **Rule 26(f) Meeting.** Unless all defendants default, the parties must meet and confer pursuant to Rule 26(f) of the Federal Rules of Civil Procedure ("Rule 26(f) Meeting") at least 21 days before the Status Conference date set forth in the Summons. **The Status Conference set forth in the summons shall also serve as the initial Rule 16(b) Scheduling Conference in this adversary proceeding.**

The parties are jointly responsible for arranging and attending the Rule 26(f) Meeting, the parties must, at a minimum: (a) discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case; (b) make or arrange for the initial disclosures required by Rule 26(a)(1); and (c) develop a proposed discovery plan. The discussion of claims and defenses must be submissive and meaningful. The parties are directed to approach the Rule 26(f) Meeting cooperatively and in good faith.

4. **Initial Disclosures.** Rule 26(a)(1) states that a party must, without awaiting discovery request, provide to other parties:
 - a. The name, if known, the address and telephone number for each individual likely to have discoverable information - along with the subjects of that information - that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

- b. A copy of - or a description by category and location - of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody or control and may use to support its claims or defenses, unless the use would be solely for impeachment.
- c. A computation of each category of damages claimed by the disclosing party - who must also make available for inspection and copying under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including material bearing on the nature and extent of injuries suffered; and
- d. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

F.R.Civ.P.26(a)(1)(A). Rule 26(a)(1) requires a party to make its initial disclosures based on the information that is reasonably available to it. A party is not excused from making its disclosures because it has not fully completed its investigation of the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.

F.R.Civ.P.26(a)(1)(E).

5. **Alternative Dispute Resolution ("ADR")**. The parties must explore the feasibility of ADR to reach a settlement or early resolution of the adversary proceeding. The specific reasons for any decision not to participate in a form of early ADR must be explained in the Joint Status Report. If the parties elect not to participate in an early ADR effort, the Court may nonetheless direct the parties to ADR before Trial.

6. **Discovery Plan**. At the Rule 26(f) Meeting, the parties must also discuss issues about preserving discoverable information and develop a proposed discovery plan. The discussion regarding discovery following the initial disclosures must address the relevance of the discovery sought and the sequence and timing of such discovery, including whether the discovery will be conducted informally or formally. The deadlines in the discovery plan must be mutually

agreeable, with a view to achieve resolution of the case with a minimum of expense and delay.

7. **Joint Status Report.** Not later than 14 days before the Status Conference/Rule 16(b) Scheduling Conference date set forth in the Summons, the parties must file a Joint Status Report in a form substantively identical to **FBR Form F7016-1.1**. The Joint Status Report must contain the information set forth in LBR 7016-1(a)(2), and a statement that the parties have completed the Rule 26(f) Meeting and made the initial disclosures required by Rule 26(a)(1). The Joint Status Report shall also serve as the written report of the Rule 26(f) Meeting.

8. **Status Conference/Rule 16(b) Scheduling Conference.** At the Rule 16(b) Scheduling Conference, the Court will review the discovery plan set for in the Joint Status Report and set appropriate deadlines. The Court seeks to try all adversary proceedings not later than 18 months from the filing of the complaint. Consequently, all deadlines in the schedule, including the dispositive motion deadline, must be met within 12 to 14 months of the filing of the complaint to afford adequate time for briefing and ruling prior to the final pretrial conference and trial date.

Counsel representing any party in conjunction with the Rule 26(f) Meeting, Joint Status Report, and Rule 16(b) Scheduling Conference must be authorized to bind the party on all matters to be covered.

9. **Default.** If no response to the complaint is timely filed, plaintiff should request entry of default by clerk prior to the status conference date set forth in the summons. F.R. Civ.P.55(a). Plaintiff may also request entry of a default judgment by filing and serving an appropriate motion. F.R.Civ.P.55(b)(2).

10. **Sanctions.** Failure to comply with these instructions may subject the responsible party and/or counsel to sanctions. The failure of either party to cooperate in the preparation of filing of a Joint Status Report or appear at the status conference may result in the imposition of

sanctions under LBR 7016-1(f) or (g).

Honorable Mark S. Wallace
United States Bankruptcy Judge